
Introduced by Senator Vasconcellos

February 20, 2003

An act to amend Section 60061 of the Education Code relating to public schools.

LEGISLATIVE COUNSEL'S DIGEST

SB 592, as introduced, Vasconcellos. Instructional materials: cost to state.

Existing law requires that a publisher or manufacturer of instructional materials offered for adoption or sale in California to comply with certain requirements, including, but not limited to, furnishing the instructional materials offered by the publisher at a price in this state that, including all costs of transportation to that place, does not exceed the lowest price at which the publisher offers those instructional materials for adoption or sale to any state or school district in the United States.

This bill would require a publisher or manufacturer of instructional materials offered for adoption or sale in California to furnish the instructional materials at a price in this state that, including all costs of transportation, is lower than, or at a minimum does not exceed, the lowest price at which the publisher offers those instructional materials for adoption or sale to any state or school district in the United States.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 60061 of the Education Code is
2 amended to read:

1 60061. (a) A publisher or manufacturer shall do all of the
2 following:

3 (1) Furnish the instructional materials offered by the publisher
4 at a price in this state that, including all costs of transportation to
5 that place, *is lower than, or at a minimum* does not exceed, the
6 lowest price at which the publisher offers those instructional
7 materials for adoption or sale to any state or school district in the
8 United States.

9 (2) Automatically reduce the price of those instructional
10 materials to any governing board to the extent that reductions are
11 made elsewhere in the United States.

12 (3) Provide any instructional materials free of charge in this
13 state to the same extent as that received by any state or school
14 district in the United States.

15 (4) Guarantee that all copies of any instructional materials sold
16 in this state are at least equal in quality to the copies of those
17 instructional materials that are sold elsewhere in the United States,
18 and are kept revised, free from all errors, and up to date as may be
19 required by the state board.

20 (5) Not in any way, directly or indirectly, become associated or
21 connected with any combination in restraint of trade in
22 instructional materials, or enter into any understanding,
23 agreement, or combination to control prices or restrict competition
24 in the sale of instructional materials for use in this state.

25 (6) Maintain a representative, office, or depository in the State
26 of California or arrange with an independently owned and
27 operated depository in the State of California to receive and fill
28 orders for instructional materials.

29 (7) Provide to the state, at no cost, computer files or other
30 electronic versions of each state-adopted literary title and the right
31 to transcribe, reproduce, modify, and distribute the material in
32 braille, large print if the publisher does not offer a large print
33 edition, recordings, American Sign Language videos for the deaf,
34 or other specialized accessible media exclusively for use by pupils
35 with visual disabilities or other disabilities that prevent use of
36 standard instructional materials. Computer files or other electronic
37 versions of materials adopted shall be provided within 30 days of
38 request by the state as needed for the purposes described in this
39 subdivision as follows:



1 (A) Computer files or other electronic versions of literary titles
2 shall maintain the structural integrity of the standard instructional
3 materials, be compatible with commonly used braille translation
4 and speech synthesis software, and include corrections and
5 revisions as may be necessary.

6 (B) Computer files or other electronic versions of nonliterary
7 titles, including science and mathematics, shall be provided when
8 technology is available to convert those materials to a format that
9 maintains the structural integrity of the standard instructional
10 materials and is compatible with braille translation and speech
11 synthesis software.

12 (b) Upon the willful failure of the publisher or manufacturer to
13 comply with the requirements of this section, the publisher or
14 manufacturer shall be liable to the governing board in the amount
15 of three times the total sum that the publisher or manufacturer was
16 paid in excess of the price required under paragraphs (1), (2), and
17 (5) of subdivision (a), and in the amount of three times the total
18 value of the instructional materials and services that the governing
19 board is entitled to receive free of charge under subdivision (a).

